

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 9, 1998

DIVISION ONE

B120965 People (Not for Publication)

V.

Mary Francis Seiz

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.

Ortega, J.

B107573 Howell

V

Association Lien Services et al.

Filed order denying petition for rehearing.

DIVISION TWO

B114527 Countrywide Home Loans, Inc.

V.

Tutungi et al.

Filed order certifying opinion for publication.

B110552 People

V.

Roark

Filed order modifying opinion. (No change in the judgment)

September 9, 1998-Continued

DIVISION TWO (Continued)

B110185 Lloyd Design Corporation
v.
Mercedes-Benz of North America, Inc. et al.

Filed order certifying opinion for publication.

[illegible]

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Nott, J.

B116330 People (Not for Publication)
v.
George B.

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Nott, J.

B113214 People (Not for Publication)
v.
Connin

The judgment is affirmed with directions to the trial court to correct the abstract of judgment to show the sentence imposed was one year, six months, rather than the one-year, four-month term currently listed.

Fukuto, J.

We concur: Boren, P.J.
 Zebrowski, J.

September 9, 1998-Continued

DIVISION TWO (Continued)

B116297 People (Not for Publication)
v.
Nash

The judgment is affirmed.

Fukuto, Acting P.J.

We concur: Nott, J.
Zebrowski, J.

DIVISION THREE

B107784 Promenade Terrace Associates et al. (Not for Publication)
v.
The Chase Manhattan Bank, etc. et al.

The judgment is reversed and remanded to the trial court for trial. The motion to dismiss the cross appeal and strike the cross appellant's reply brief is denied. The cross appeal is deemed to be a petition for writ of mandate; the petition is granted; a peremptory writ of mandate is issued directing the trial court to set aside its order denying Chase's motion. The parties are to bear their own costs on appeal.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B118920 Old Republic Insurance Company et al.
B118923 v.
Superior Court, Los Angeles County
(Nautilus Insurance Company, r.p.i.)

Filed order modifying opinion. (No change in the judgment)

September 9, 1998-Continued

DIVISION THREE (Continued)

[illegible]

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

[illegible]

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION FOUR

B114602 People (Not for Publication)
v.
Peacock

The judgment of conviction of violation of Penal Code section 496, subdivision (a) is reversed and remanded for new trial. The judgment of conviction of violation of Health and Safety Code section 11377, subdivision (a) is affirmed. The sentence is modified to reflect a state prison term of 25 years to life on that count.

Cooper (F.M.), J. (Assigned)

We concur: Vogel (C.S.), P.J.
Hastings, J.

September 9, 1998-Continued

DIVISION FOUR (Continued)

B111831 People (Not for Publication)
v.
Evans

The judgment is affirmed and the request for remand is denied.

Hastings, J.

We concur: Epstein, Acting P.J.
Cooper (F.M.), J. (Assigned)

DIVISION FIVE

[illegible]

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
Godoy Perez, J.

B109504 Rancho Mortgage Corp. (Not for Publication)
v.
Timothy Wells et al.

The order dismissing the action is reversed. The appeal from the order awarding attorney fees is dismissed as moot. All parties are to bear their own costs on appeal.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Stone, P.J., Gilbert, J., Yegan, J., Coffee, J., and G. Bents, Deputy Clerk.

Each of the following:

B110631 Kelly v. Vons Companies
B111171 Job v. Wells Fargo Bank

Oral argument continued to October, 1998.

B114357 Zubrick
v.
Santa Anita Medical Management & Marketing Corp.

Merits:
Argued by Isaac H. Braddock for appellant and by Peter R. Regal for
respondent. Cause submitted.

B115927 Mize
v.
Mize

Merits:
Argued by Gabriele Mezger-Lashly for appellant and by Randall A. Cohen
for respondent. Cause submitted.

B111196 Highlands Ins.
v.
Marshall

Merits:
Argued by Gary Chester Marshall, appellant appearing in propria persona,
and by Leonard J. Martinet for respondent. Cause submitted.

DIVISION SIX (Continued)

B112569 Hennessey's Tavern
 v.
 Alliance General Ins.

Merits:
Argued by Paul D. Beechen for appellant and by James F. Holtz for
respondent. Cause submitted.

Court recessed at 9:55 A.M.

Court reconvened at 10:15 A.M.

Present: Stone, P.J., Yegan, J., Coffee, J., and G. Bents, Deputy Clerk.

B111558 Hooshmond
 v.
 Fedco

Merits:
Argued by Isaac H. Braddock for appellant and by Richard J. Mathias for
respondent. Cause submitted.

Court recessed at 10:30 A.M.

Court reconvened at 1:30 P.M.

Present: Stone, P.J., Gilbert, J., Yegan, J., and G. Bents, Deputy Clerk.

B117028 Bethany Power Co. v. Long Term Credit Bank

Oral argument continued to October, 1998.

B117809 Jones v. Jensen
Ordered off calendar; matter previously dismissed.

DIVISION SIX (Continued)

B116687 Lomeli
 v.
 Camarena

Merits:

Argued by Richard Fannan for appellant and argument previously waived by respondent. Cause submitted.

B117152 Schuneman
 v.
 Xircom

Merits:

Argued by Kim D. Scovis for appellant and by Susan M. Seemiller for respondent. Cause submitted.

B117877 Roberts
 v.
 Rice

Merits:

Argued by Ronald D. Schenck for appellant and by Mary E. Schroeder for respondent. Cause submitted.

B117275 Harbottle
 v.
 Hoffman

Merits:

Argued by Sidney Hoffman, appellant appearing in propria persona, and argument previously waived by respondent. Cause submitted.

Court recessed at 1:55 P.M.

Court reconvened at 2:05 P.M.

Present: Gilbert, Acting P.J., Yegan, J., Coffee, J., and G. Bents, Deputy Clerk.

September 9, 1998-Continued

DIVISION SIX (Continued)

B115942 Hyde
v.
Johnson

Merits:

Argued by Melvin Johnson, appellant appearing in propria persona, and by Robert L. Kennedy for respondent. Cause submitted.

Court adjourned at 2:20 P.M.

DIVISION SEVEN

B113484 People (Not for Publication)
v.
Swaim

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
Woods, J.

B114747 People (Not for Publication)
v.
Williams

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
Woods, J.

September 9, 1998-Continued

DIVISION SEVEN (Continued)

B117132 People (Not for Publication)
v.
Reyes

The judgment is affirmed.

Neal, J.

We concur: Johnson, Acting P.J.
Woods, J.

[illegible]

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
 Neal, J.

B116137 People (Not for Publication)
v.
Battey

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
 Neal, J.

September 9, 1998-Continued

DIVISION SEVEN (Continued)

B114699 People (Not for Publication)
v.
Skinner et al.

The convictions are affirmed. The section 1202.2, subdivision (a) allegations and findings in connection with count VI are ordered stricken as to each appellant. The sentences of appellant Smith and appellant Skinner are vacated. The matter is remanded to the trial court for resentencing proceedings consistent with this opinion.

Woods, J.

We concur: Lillie, P.J.
 Johnson, J.

B117971 People (Not for Publication)
v.
Haven

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

B107741 People (Not for Publication)
v.
Jackson

The judgment of conviction is affirmed. The sentence is vacated and the cause remanded for resentencing consistent with the view expressed in this opinion.

Johnson, J.

We concur: Lillie, P.J.
Neal, J.

DIVISION SEVEN (Continued)

B113974 People (Certified for Partial Publication)
 v.
 Velasco

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
 Woods, J.

B120103 Los Angeles County D.C.S. (Not for Publication)
 v.
 Janet M. et al.

The order is affirmed.

Woods, J.

We concur: Lillie, P.J.
 Johnson, J.

B123476 Anthony T. (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (LA County Dept. of Children Services et al., r.p.i.)

Because substantial evidence supports the juvenile court's order to conduct a hearing pursuant to section 366.26, the petition is denied on the merits.

Johnson, Acting P.J.

We concur: Woods, J.
 Neal, J.

DIVISION SEVEN (Continued)

B114434 Bank of America National Trust (Not for Publication)

v.

Richard Hodge et al.

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.

Neal, J.

B110230 Arkway

v.

Matzner

In re Shayne Trusts

Filed order granting petition for rehearing.